



SUMMONS • FOR CIVIL PENALTIES ONLY
SUMMONS NUMBER: 200020HR

ENFORCEMENT AGENCY: Department of Consumer Affairs
AGENCY ADDRESS AND WEBSITE: 42 Broadway, New York, NY 10004 • nyc.gov/dca

| | | | |
|-------------------------|--|-------------------------|-------------|
| RESPONDENT: | Benjamin S. Lamb | DBA: | |
| MAILING ADDRESS: | 1833 AMSTERDAM AVE, APT 1E NEW YORK, NY 10031 | LICENSE NO.: | 1071492-DCA |
| | | EXPIRATION DATE: | 02/28/2020 |

PHONE:

| | |
|---------------------------------------|-----------------------------|
| PLACE OF OCCURRENCE: | DATES OF OCCURRENCE: |
| X Same as mailing address | 10/28/19 and 11/10/19 |
| <input type="checkbox"/> Intersection | |
| <input type="checkbox"/> Landmark | |
| | TIME OF INSPECTION: |
| | N/A |

You must respond to this Summons by appearing at the hearing (date and location below).

HEARING DATE: March 5, 2020 AT: 10:30 AM
HEARING LOCATION: Office of Administrative Trials and Hearings
66 John Street, 11th Floor, New York, NY 10038
PHONE: (844) 628-4692

Refer to the Summons Number above on all communications.

Warning: If you do not respond, the City of New York will decide the Summons against you and impose penalties. If you do not pay any imposed civil penalty, the City could deny an application for, suspend, terminate, or revoke any City license, permit, or registration that you have. The City may also enter a judgment against you in court.

Details of Violation(s)

| VIOLATION(S) | NUMBER OF VIOLATIONS | MAXIMUM PENALTY PER VIOLATION AT HEARING | MAXIMUM PENALTY PER VIOLATION ON DEFAULT | RESTITUTION SOUGHT |
|--|-----------------------------|---|---|---------------------------|
| Rules of the City of New York, Title 6, Section 2-236(a) | 2 | \$750.00 | \$1,000.00 | n/a |

SEE SUPPLEMENT FOR ADDITIONAL DETAILS OF VIOLATION(S).

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see the last page of this Summons.

SUMMONS NUMBER: 200020HR**SUPPLEMENT: DETAILS OF VIOLATION****FACTS**

1. Respondent is a process server individual licensed by the New York City Department of Consumer Affairs (“DCA” or the “Department”).
2. In or about 2018, process was distributed to Respondent for service in the matter of *Mamadou Alpha Ly v. Abdoulaye Bah*, LT-006805-19/BX (Civil Court of the City of New York, Bronx Co., Housing Part) (“*Ly v. Bah*”) and thereafter an affidavit of service executed by Respondent in which Respondent attested that Respondent had served such process in *Ly v. Bah* was filed with the clerk of the court.
3. The court in *Ly v. Bah* scheduled a traverse hearing for October 18, 2019 concerning the service of process allegedly made by Respondent.
4. Respondent received notice of the scheduling of the October 18, 2019 traverse hearing in *Ly v. Bah*.
5. Respondent did not submit a written report to the Department, by certified mail or e-mail, that a traverse hearing had been scheduled in *Ly v. Bah* within ten (10) days of receiving notice of the scheduled October 18, 2019 hearing.
6. The court in *Ly v. Bah* scheduled a traverse hearing for October 31, 2019 concerning the service of process allegedly made by Respondent.
7. Respondent received notice of the scheduling of the October 31, 2019 traverse hearing in *Ly v. Bah*.
8. Respondent did not submit a written report to the Department, by certified mail or e-mail, that a traverse hearing had been scheduled in *Ly v. Bah* within ten (10) days of receiving notice of the scheduled hearing.

APPLICABLE LAW

9. Under Title 6 of the Rules of the City of New York (“6 RCNY”) § 2-236(a) whenever an individual process server receives notice that a court has scheduled a hearing to determine whether service of process made by the process server was effective (known as a “traverse hearing”), the process server must submit, by certified mail or e-mail, a written report to the Department within ten (10) days of receiving such notice. The written report must include the title and index number of the action, the court and the judge before whom the hearing is scheduled, the date(s) of the hearing, and the name and license number of every licensee who effected service or assigned or distributed the process for service.

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VIOLATIONS CHARGED

1. Respondent violated 6 RCNY Section 2-236(a) by failing to comply with his duty to report the October 18, 2019 hearing contesting service.
2. Respondent violated 6 RCNY Section 2-236(a) by failing to comply with his duty to report the October 31, 2019 hearing contesting service.

RELIEF SOUGHT

1. In light of the foregoing, the Department seeks the following relief:
 - a. a fine of \$1,500 (i.e., \$750 per violation for two violations), the maximum available at hearing; or
 - b. in the event of Respondent's default, a fine of \$2,000 (i.e., \$1,000 per violation for two violations);
2. Other relief deemed just and proper.

Dated: February 12, 2020
New York, New York

For: LORELEI SALAS, COMMISSIONER

By:



Mitchell B. Nisonoff, Esq.
Assistant General Counsel
Attorney for Petitioner Department of
Consumer Affairs

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CERTIFICATION

I certify that I am an employee of DCA and that the foregoing is true and correct based on my personal knowledge and a review of DCA's official records. I also certify that I today undertook a search of Respondent's submitted traverse reports in DCA's records and found none corresponding to the underlying case which is the subject of this Summons.

Dated: February 12, 2020
New York, New York



Christopher Forbes
Senior Legal Staff Associate
Department of Consumer Affairs

SUMMONS NUMBER: 200020HR**IMPORTANT INFORMATION**

The Department of Consumer Affairs (DCA) has charged you with the violation(s) described in this Summons.

Penalties:

- Maximum penalties for the violations in this Summons may include a fine of as much as \$500 for each violation; revocation or suspension of your DCA license; and/or the sealing of your business premises. In most cases, the penalty for *unlicensed activity* is \$100 per violation per day and you will be presumed to have engaged in the unlicensed activity every day from the date of the inspection, the date of a prior decision or settlement agreement, the date of your contract with a consumer, or the first date you advertised services through the hearing date. Copies of the laws and rules, which include the maximum penalties for specific violations, are available on the DCA website nyc.gov/consumers.
- Higher penalties may be imposed for repeated violations up to the maximum penalty allowed by law or rule.

Unlicensed Activity: If you are charged with unlicensed activity, you should immediately:

- **Stop the unlicensed activity.**
- Apply for a license online at nyc.gov/BusinessToolbox or in person at the DCA Licensing Center (42 Broadway, Lobby, New York, NY 10004) or NYC Small Business Support Center (90-27 Sutphin Blvd, 4th Floor, in Jamaica, 11435). *Important:* Even if you apply for a license or obtain a license before the hearing date, you still must settle the charge(s) or appear for the hearing on the hearing date.

You may present a defense at the independent NYC Office of Administrative Trials and Hearings (OATH) by going to a hearing. Instructions are below.

If you do not settle or appear for your hearing, a default decision may be entered against you and additional penalties may be imposed.

DCA encourages business owners to view the Business Owner's Bill of Rights, available at nyc.gov/bizrights.

HOW TO RESPOND**To settle the charge(s) prior to the hearing:**

- If you wish to discuss a settlement before the hearing date, you may contact Mitchell Nisonoff at (212) 436-0077 or by email at [REDACTED]

To deny the charge(s) and present a defense in person:

- You or an authorized representative must go on the hearing date at the time and location indicated on the first page of this Summons.
- Please be fully prepared and bring this Summons and all paperwork and other evidence you want to use to defend yourself with you.
- If you need help with English, free language help will be provided.
- **Reasonable Accommodation:** If you have a disability and require a reasonable accommodation for the hearing, call 1-844-628-4692.

Note: You have the right to be informed of the maximum penalty. If no maximum penalty is shown on the front of this Summons, ask in person at any location below or call 1-844-628-4692.

OATH HEARINGS CENTERS

Tel: 1-844-OATH-NYC (1-844-628-4692) • nyc.gov/oath

- Manhattan:** 66 John Street, 10th Floor, New York, NY 10038
- Brooklyn:** 9 Bond Street, 7th Floor, Brooklyn, NY 11201
- Queens:** 144-06 94th Avenue, Main Floor, Jamaica, NY 11435
- Bronx:** 3030 Third Avenue, Room 250, Bronx, NY 10455
- Staten Island:** 350 St. Mark's Place, Main Floor, Staten Island, NY 10301



CERTIFICATE OF MAILING

I, Charnetta Pettie, of the General Counsel Division of the New York City Department of Consumer Affairs (DCA), certify that on 2/12/2020 I mailed the attached:

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 Page _____ Dated _____

 Page _____ Dated _____

by placing the document(s) in an envelope(s) addressed as listed below and then placing the addressed envelope(s) in the Department's official outgoing mailbox. The items from that outgoing mailbox are collected twice daily and then placed in the United States Postal Service mail as part of the routine course of business.

by placing the document(s) in a UPS Overnight UPS 2-Day package(s) addressed as listed below and placing the addressed package in the UPS Drop Box located in the lobby of 42 Broadway, New York, NY 10004. Other UPS Store or Drop Box location: _____

Benjamin S. Lamb

Tracking/Receipt Number(s): 7019 2280 0000 7844 6897

I further certify that on this same date, I also sent a copy of the above-named document(s) by email to the email address(es) noted below.

2/12/2020 Charnetta Pettie

Printed Name


Signature



Lorelei Salas
Commissioner

42 Broadway
9th Floor
New York, NY 10004

nyc.gov/consumers

Office of the General
Counsel

Date: March 4, 2020

To: OATH - Office of Administrative Trials and Hearings

CC: Benjamin S. Lamb

Re: **NOTICE OF WITHDRAWAL – Summons 200020HR**

NYC Department of Consumer Affairs withdraws Summons 200020HR –
DCA v. Benjamin S. Lamb.

A handwritten signature in black ink that reads "Christine Santos".

Signature

Christine Santos

Print

Legal Project Coordinator

Title